

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH BRINSON,
Plaintiff,

-v-

QUINCY AMUSEMENTS, INC.,
Defendant.

19-CV-5026 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

This case was removed from New York Supreme Court, Bronx County, on May 30, 2019. (Dkt. No. 1.) On November 20, 2019, the parties filed a motion requesting that the case be remanded to state court along with a stipulation agreeing that the amount in controversy does not exceed \$75,000. (Dkt. No. 15.)

“[F]ederal courts are courts of limited jurisdiction and, as such, lack the power to disregard such limits as have been imposed by the Constitution or Congress.” *Purdue Pharma L.P. v. Kentucky*, 704 F.3d 208, 213 (2d Cir. 2013) (internal quotation marks omitted). The “failure of subject matter jurisdiction is not waivable and may be raised at any time by a party or by the court *sua sponte*.” *Lyndonville Sav. Bank & Tr. Co. v. Lussier*, 211 F.3d 697, 700–01 (2d Cir. 2000). Where an action has been removed from state court, “[i]f at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.” 28 U.S.C. § 1447(c). As relevant here, Congress has granted district courts original jurisdiction over cases between “citizens of different States” in which “the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.” 28 U.S.C. § 1332(a)(1). Because the amount in controversy does not exceed \$75,000, this Court does not have subject matter jurisdiction over this case.

Accordingly, the motion to remand is GRANTED. This case is hereby remanded to New York Supreme Court, Bronx County, pursuant to 28 U.S.C. § 1447(c).

SO ORDERED.

Dated: November 21, 2019
New York, New York



J. PAUL OETKEN
United States District Judge